



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS  
4101 JEFFERSON PLAZA, N.E.  
ALBUQUERQUE, NEW MEXICO 87109-3435  
505-342-3262  
FAX 505- 342-3498

June 6, 2011

Regulatory Division

Dan S. Dallas  
Forest Supervisor/ Center Manager  
1803 West Hwy 160  
Monte Vista, Colorado 81144

Dear Mr. Dallas,

The Albuquerque District Regulatory Division (Corps) accepts the Rio Grande National Forest's (RGNF) invitation to be a cooperating agency for the proposed Village at Wolf Creek Land Exchange Environmental Impact Statement. Our main point of contact for this effort is Mr. Hildreth Cooper in our Durango field office. Mr. Cooper can be reached at 970-375-6235 or by e-mail at [hildreth.l.cooper@usace.army.mil](mailto:hildreth.l.cooper@usace.army.mil).

The Corps focus during this process will be potential impacts to aquatic resources from resort development occurring subsequent to the RGNF's decision on the proposed land swap. We agree with RGNF's statement at the May 26, 2011 cooperating agency meeting in South Fork that the proposed land exchange (or development of an Alaska National Interests Lands Conservation Act access) and subsequent development of the resort are connected actions in a National Environmental Policy Act (NEPA) context and should be analyzed as an integrated proposal. Based on available inventories of aquatic resources in the vicinity of the proposed development and the boundaries of the potential land swap, the Corps believes that RGNF's selection of a preferred alternative could have considerable influence on the impacts to aquatic resources associated with resort development.

The Corps anticipates making a permit decision under Section 404 of the Clean Water Act for an application to discharge fill materials into waters of the United States relative to the proposed resort development. If the development proposal, after consideration of measures to avoid and minimize impacts to jurisdictional waters, does not qualify for a nationwide general permit we will have to analyze potential impacts under individual permit (IP) procedures. An IP evaluation includes determining compliance with the 404(b)(1) guidelines found at 40 CFR 230, which prescribes an alternatives analysis. The purpose of this alternatives analysis is to identify the least environmentally damaging practicable alternative (LEDPA), which becomes the only "permissible" alternative as long as it does not have other significant adverse environmental

consequences. The requirement to identify and only authorize the LEDPA is an important distinction from the alternatives analysis performed in a typical NEPA document, and puts the burden on our agencies to ensure the alternatives analysis performed for the NEPA document will also satisfy 404(b)(1) guidelines requirements. Failure to identify an alternative that satisfies both requirements could conceivably result in the project proponent not being able to obtain a Corps permit for the preferred alternative identified in the NEPA document.

In order to ensure this scenario does not occur, the Corps typically seeks concurrence with the lead agency on the purpose and need statement, alternatives screening criteria, any step resulting in elimination of alternatives, and selection of the preferred alternative. Our preference is for these concurrence points to be identified in any memorandum of understanding developed for this project, with concurrence being a goal rather than prerequisite for moving forward.

We appreciate the learning opportunity RGNF provided at the May 26, 2011 meeting in South Fork. It definitely helped me understand the project and RGNF's way forward. Please let me know if you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Allan Steinle". The signature is fluid and cursive, with the first name "Allan" and last name "Steinle" clearly distinguishable.

Allan Steinle,  
Chief, Regulatory Division

CF:

Tom Malecek  
Divide Ranger District  
13308 West Highway 160  
Del Norte, Colorado 81132

Cambria Armstrong  
Canyon Lakes Ranger District  
2150 Centre Ave., Bldg E  
Fort Collins, Colorado 80526

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